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Human rights bodies and mechanisms

Global issue of unaccompanied migrant children and human rights

Final report of the Human Rights Council Advisory Committee

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I. Introduction

1. In its resolution 29/12, the Human Rights Council requested the Advisory Committee to develop a research-based study on the global issue of unaccompanied migrant children and adolescents and human rights, in which it would identify areas, reasons and cases where this issue arises in the world and the ways in which human rights are threatened and violated, and make recommendations for the protection of the human rights of members of this population, and to submit the report to the Council at its thirty-third session in September 2016.

2. The Advisory Committee submitted a progress report to the Council at its thirty-third session. At the fifteenth session of the Advisory Committee, it established a drafting group for the preparation of the study. The drafting group currently comprises Mario Luis Coriolano, Laura-Maria Crăciunean, Hoda Elsadda, Karla Hananía de Varela (Rapporteur), Obiora Chinedu Okafor, Katharina Pabel, Anatonia Reyes Prado (Chair) and Changrok Soh. The drafting group has had the technical support of Fabio Cano Gómez and the Rene Cassin foundation.

3. In the present report, the Advisory Committee aims to provide a comprehensive analysis of the situation of unaccompanied migrant children and adolescents from a human rights perspective, with the aim of assisting States in the fulfilment of their commitments under the Convention on the Rights of the Child and other related human rights treaties. It identifies areas of the world and cases where this issue arises, the reasons for them and the ways in which human rights are threatened and violated, recognizing best practices and making recommendations for the protection of the human rights of unaccompanied migrant children and adolescents.

4. The study is based on two methodological tools: documentary research and an ad hoc questionnaire addressed to States, national human rights institutions, non-governmental organizations (NGOs) and international organizations.

5. In preparing the study, the drafting group drew up questionnaires to seek the views and inputs of Member States, international and regional organizations, relevant special procedure mandate holders and treaty bodies, national human rights institutions, civil society organizations and other relevant stakeholders. A total of 61 responses to the questionnaires were received, comprising 14 responses from States, 36 from NGOs, 10 from national human rights institutions and one from the United Nations Children's Fund (UNICEF).

II. Main reasons that force or encourage children and adolescents into situations of unaccompanied migration in identified areas

6. Globally, in 2015, 15 per cent of all international migrants were under the age of 20 years. The proportion of young migrants was significantly higher in the developing regions (22 per cent) than in the developed regions (less than 10 per cent).[1] In the same year, children and adolescents constituted more than half of the total refugee population; and more than 100,000 asylum claims were lodged by unaccompanied or separated children.[2] Nearly one in three children and adolescents living outside their country of birth is a refugee; for adults, the proportion coming under the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) is less than 1 in 20.[3] Unaccompanied migrant children and adolescents are a particularly vulnerable group because of their double

[1] United Nations, Department of Economic and Social Affairs, Population Division (2016), *International Migration Report 2015: Highlights*, p. 9.

[2] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

[3] UNICEF, *Uprooted: the Growing Crisis for Refugee and Migrant Children* (New York, 2016), p. 6.

status as minors, which requires special protection, and as migrants, which exposes them to all kinds of serious breaches of their fundamental rights.

7. According to the Convention on the Rights of the Child, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. This definition of a child is the same in both regional and national contexts. In Africa, Europe and the inter-American system of human rights, a child is defined as a human being below the age of 18 years. The term "child" is therefore used throughout the present report to cover children and adolescents below that age. Children on the move and other children affected by migration shall be considered children first and foremost, and their best interests shall be the primary consideration in all actions concerning them.

8. According to the Committee on the Rights of the Child and the Inter-American Court of Human Rights, unaccompanied migrant children are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. The study covers unaccompanied children who find themselves outside their country of nationality or, if stateless, outside their country of habitual residence.

9. There are various categories of unaccompanied migrant children:

(a) Children separated from their family or caregivers during the move;

(b) Children who have started their journey as unaccompanied and separated children, but are currently travelling with groups of people;

(c) Children who have interrupted their migration journey because of a lack of resources; in the context of the European migrant crisis, children in this group are often found in urban areas of Greece and Italy.

10. There are often important differences in motivation between migrant children who apply for asylum and those who do not. Children who seek asylum often flee their country from fear of persecution or because of generalized violence; fear is widespread and there is a profound sense of insecurity and impunity.[4] Children who do not fall within the definition of an asylum seeker are often moved by the desire to find a place where their basic human rights, including special protection, can be met. Asylum seekers are covered by the Convention relating to the Status of Refugees and its Protocol, while migrant children are covered by international human rights law. However, while in transit, on reception and in destination countries, migrant children and child asylum seekers are exposed to the same risks and human rights violations. Migrant and refugee children have the same universal human rights, as stated in the New York Declaration for Refugees and Migrants.[5]

11. Information received from States shows that there are multiple causes for the migration of children, but they all have one factor in common. At the heart of the motivations for migration, there are multiple violations of the human rights of children in their countries of origin: lack of protection from various manifestations of violence, poverty, lack of opportunities, poor access to education and health services, ill-treatment at home and various kinds of threat, intimidation and insecurity.

12. Marginalized children are locked into a vicious cycle of exclusion, stigmatization and violence, since they start to be perceived as perpetrators themselves, feared by members of their communities and at times criminalized by the authorities.[6] In a survey conducted by UNICEF in 2017 about migrant women and children in Libya, three quarters

[4] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

[5] The Declaration states (A/RES/71/1, para. 6) that, though their treatment is governed by separate legal frameworks, refugees and migrants have the same universal human rights and fundamental freedoms. They also face many common challenges and have similar vulnerabilities, including in the context of large movements.

[6] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

of the migrant children interviewed said they had experienced violence, harassment or aggression at the hands of adults.[7]

13. In the case of migrants from the northern triangle of Central America, the level of education is insufficient to break the intergenerational transmission of poverty that constitutes a key factor in children's migration.[8] Migrants living in low-income countries tend to be younger than in high-income countries.[9] In Central America, an increasing number of young people are forced to migrate because of threats and violence.

14. In Colombia, there are many reports of teenagers who have left their places of origin because of violence and have never applied for refugee status. This phenomenon is also beginning to appear in some isolated cases in the Dominican Republic, where adolescents migrate because of violence and for economic reasons. In the case of children in the Plurinational State of Bolivia and Ecuador, the main motivation is economic. Cases of children who have migrated as a result of natural disasters are also reported, mainly in the case of Haiti.

15. Many countries stated that children have described irregular migration as a "necessary risk" since they feel they have to leave and hope to improve their situation by doing so. Studies of perceptions show that children see the authorities as an obstacle to reaching their destination; in very few cases are the authorities associated with an obligation to protect children's rights.[10]

16. According to interviews conducted with 10,166 unaccompanied migrant children in 2015 by the Social Welfare Department and the Attorney General's Office of Guatemala, 67 per cent travelled searching for work and 23 per cent for family reunification; 2 per cent were looking for better opportunities and 0.4 per cent did not give a reason. Only 0.1 per cent mentioned direct violence as the reason they moved.

17. In El Salvador, the returnees' care centre cared for 4,114 migrant children between June 2014 and July 2015, of whom 45 per cent were unaccompanied. When asked about their reasons for migrating, 36.1 per cent of the children replied that they wanted to join their families, 31.7 per cent mentioned better living conditions and 27.5 per cent were motivated by threats.[11] Violence has become a growing factor in migration in Central America. In Honduras, it has been reported that parents send their children abroad to prevent them from being recruited by gang members.[12]

18. There is a lack of strict criteria governing eligibility for regular channels of family reunification. In Europe, there are often minimum income requirements for adults who wish to sponsor their children for family reunification, which exclude low-income migrant workers and sometimes have a particularly discriminatory effect on migrant women. Despite the European Union-wide legislation on family reunification, there remain restrictions in some European Union member States in terms of the age of the child and the family members who are able to sponsor the child. Furthermore, some migrant workers are unable to apply for official family reunification because they do not have regular status as residents of the country of destination.[13]

19. The International Organization for Migration (IOM) estimates that 2.2 million people, of whom 1.5 million are children, have been displaced internally as a result of the conflict in north-eastern Nigeria, with nearly 400,000 Nigerian refugees and internally displaced people in neighbouring Chad, northern Cameroon and the Diffa region of the Niger. In Zimbabwe, which has seen a great increase in child migration flows in recent years, the main reported reasons for migration are: sexual abuse of children by caregivers,

[7] UNICEF, "Migrants in Libya: insights into the experience of women and children in transit" (draft briefing paper) (New York, February 2017), p. 4.
[8] Source: Directorate of Human Rights Research, Office of the Human Rights Advocate, Guatemala.
[9] UNICEF, *Uprooted*, p. 6.
[10] Source: Nicaragua — SOS Children's Villages International.
[11] Source: returnees' care centre, El Salvador.
[12] Source: Office of the National Commissioner for Human Rights, Honduras.
[13] Source: Platform for International Cooperation on Undocumented Migrants.

peer pressure, death of the caregiver (mostly from HIV- and AIDS-related complications), breakdown of traditional family structures, public budgets that do not prioritize child rights, deteriorating education standards, high dropout rates from school and poverty.[14]

20. In the case of Senegal, when children agree to talk about the causes which drive them to migrate, they cite mainly economic reasons. Their parents have entrusted them to people who have promised to find them work in neighbouring regions or in other African countries. However, most are subjected to the worst forms of child labour.[15]

21. In West and Central Africa, migration is strongly influenced by the region's rapid population growth. Conflicts in the Central African Republic, the Democratic Republic of the Congo, Mali and Nigeria result in huge numbers of people being displaced, a large proportion of whom are children. Additionally, because of the high demand for a cheap and productive workforce, the informal sector and domestic work are areas where there is a high proportion of child labour working in exploitive conditions.

22. In Bangladesh, as in other Asian countries, there is a tradition of labour migration during the transition from childhood to adulthood. Children are urged to migrate as a rite of passage to adulthood, and often their families force them to leave and migrate in order to earn money for the household. Cultural norms and traditions contribute to children being trapped in poverty and this, in turn, increases their vulnerability to abuse and exploitation.[16]

III. Situation of unaccompanied migrant children and adolescents in identified areas

23. Unaccompanied migrant children separated from their families are the most vulnerable group among all migrants; the lack of information about their situation is one of the most important barriers experienced by institutions and States preventing effective protection of their rights.

24. Determining the migrant's age is the first step which the host State must take when caring for unaccompanied migrant children. Only minors can benefit from the specific protection granted by the Convention on the Rights of the Child. The host State should not seek to determine the young migrant's age by means of medical examinations and interviews unless he or she does not have identity documents to prove his or her age.[17] In practice, a number of national authorities use medical tests combined with interviews to determine the migrant's age. Once minority is established, all unaccompanied and separated children have the right to be assisted by a legal guardian, to be hosted in a reception centre, and to receive legal assistance if they apply for asylum. Long delays in the appointment of legal guardians constitute a major obstacle to access to child protection mechanisms and family reunification.[18]

25. In several countries, child protection systems discriminate between children on the basis of their age, leaving older children to be cared for by the immigration authorities, who may be less well qualified or equipped to prevent all forms of violence against children and provide appropriate support for children who have suffered violence and exploitation to promote their full recovery and integration.[19]

26. Migratory policies based on detention and deportation have failed to discourage irregular migration. Usually, transit migrants travel via less well guarded and riskier areas. An increasing number of families are contacting traffickers in the hope that the entire

[14] Information provided by Terre des Hommes, Zimbabwe.

[15] Source: Caritas Senegal.

[16] Source: Caritas Bangladesh.

[17] A/HRC/15/29.

[18] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

[19] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

family will be able to leave, which may lead to the separation of children from their families, leaving children in most cases without any protection.

27. When it comes to denouncing a human rights violation, migrant children may lack proper documentation or not speak the local language. Mostly, they are simply too frightened to report an incident or to speak about the trauma they have endured. They fail to seek help, including medical assistance, for fear of a negative impact on pending decisions on their status or out of fear of arrest or deportation.[20]

28. Despite the measures taken by the Central American States after the major inflows of Central American migrant children to North America in 2014, the phenomenon continues to grow. In 2015 and 2016 the number of children migrating unaccompanied or with their families increased, as did the number of deportations. According to IOM, the three countries to which the largest numbers of children are returned are El Salvador, Guatemala and Honduras. Increasingly, the children are younger, they are more frequently travelling alone, and the risks they face have increased.

29. Across the European Union, age determination procedures are frequently intrusive and unreliable, and unaccompanied children are often subjected to the same violations as undocumented adults. If they are apprehended, and particularly if they are not recognized as children, unaccompanied children can face detention,[21] deportation, and violence.[22] The authorities treat irregular entry as a criminal activity rather than as mere violation of administrative regulations. In practice, age determination is frequently carried out routinely, without respect for the dignity or rights of the child, and contrary to the principle that it should be a last resort.[23]

30. In the first nine months of 2015, more than 200,000 children applied for asylum in European Union member States.[24] Some of them did not reach their destination. In the same year, nearly 700 children are believed to have died crossing the Mediterranean.[25] Approximately 700 children arrive daily in Europe, many of them exhausted and distressed and some in need of medical assistance.[26] In the former Yugoslav Republic of Macedonia, the number of unaccompanied children increased six-fold, from 932 in August 2015 to 5,676 in October of that year. In the first months of 2015, more than 3,000 unaccompanied migrant children applied for asylum in Sweden alone,[27] and more than 30,000 were expected to apply in Germany by the end of 2015.

31. Most countries in Mediterranean Europe act as both transit and destination countries for migrant flows. For example, in 2014, a total of 14,243 unaccompanied migrant children landed in Italy, of whom 3,707 absconded after landing and 10,536 were hosted in centres set up by local municipalities charged with providing reception services. According to IOM, between January and July 2015, a total of 5,459 unaccompanied migrant children entered the country, 27 per cent (1,467) of them from West Africa (the Gambia, Mali, Nigeria and Senegal). Of the 181,436 arrivals in Italy in 2016 via the central Mediterranean route, 28,223, or nearly 16 per cent, were children. Nine out of ten children who crossed the Mediterranean in 2016 were unaccompanied.[28]

32. In some European countries, large numbers of children go missing from reception centres or disappear from the care of child protection facilities or immigration authorities;

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[20] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

[21] Pursuant to article 37 of the Convention on the Rights of the Child, migrant children should not be detained.

[22] Source: the Platform for International Cooperation on Undocumented Migrants.

[23] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

[24] Source: Eurostat.

[25] UNICEF, *Protecting Children on the Move: Briefing Paper* (Geneva, November 2015), p. 3.

[26] Ibid., p. 4.

[27] Source: Swedish Migration Agency.

[28] UNICEF, *A Deadly Journey for Children: The Central Mediterranean Migration Route* (Geneva, February 2017), p. 2.

as many as 80 per cent have disappeared from reception centres. In the camp in the northern French town of Calais which was dismantled in October 2016, nearly one in three migrant children tracked by a refugee charity had gone missing.[29]

33. In 2015, a total of 3,784 migrant deaths was recorded in the Mediterranean, 35 per cent of them of unknown origin, 33 per cent from sub Saharan Africa and 9.5 per cent from the Horn of Africa.[30] While the total rates of migration are low, the proportion of children among African migrants is the largest for any region. Nearly one in three African migrants is a child, more than twice the global average.[31]

34. Mexico, situated in the middle of the biggest flow of migration in Latin America, is a country of origin, transit, destination and return of migrants. The Americas are home to 6.3 million child migrants, one fifth of the global total.[32] The migrants are of Mexican origin intending to enter the United States of America or children of another nationality who enter Mexico as a country of destination or transit on their way to the United States. In recent years, the arrival and irregular movement of children in Mexico has increased enormously; they come mainly from Central American countries.[33] According to UNICEF Mexico, the number of unaccompanied migrant children who were detected by Mexican immigration authorities increased by a factor of 3.3 between 2013 and 2015.

35. In the United States, Customs and Border Protection officers and Border Patrol agents identify individuals as unaccompanied children. After processing the administrative case, they either transfer the child to an institution which will take care of him or her or, if permitted under the limited circumstances provided by law, arrange for the child's voluntary return. Migrant children should not be in the custody of Customs and Border Protection for more than 72 hours while they are assigned accommodation. However, they do stay in the custody of the Border Patrol for extended time periods in temporary locations and under conditions that affect their development and emotional health.[34]

36. In 2015, migrant arrests in the United States declined, but the number of arrests and deportations from Mexico to Central America increased dramatically. This is due in some degree to pressure by the United States on Mexico.[35] Despite the decrease in arrests in the United States, repatriation is still common. In 2014, 14,352 repatriations of Mexican children were carried out by the United States. The corresponding figure from January to July 2015 is 6,772.[36]

37. In Mexico, immigration authorities detain unaccompanied migrant children from Central America who are detected at points of entry and by migration interviews at rail and road mobile posts.[37] According to the Migration Act, the National Migration Institute should remove the children and accommodate them at the facilities of the National System for Integral Family Development. However, contrary to the amendment to article 29 of the Migration Act, children are detained for long and unpredictable periods after being apprehended by the immigration authorities.[38] The National Human Rights Commission of Mexico has found that, of 35 migrant holding centres, only 11 have areas for families and over 50 per cent lack specific spaces for the accommodation of children. Moreover, the

[29] Zoe Tabary, "One in three child migrants missing after Calais Jungle closure: charity", 23 November 2016. Available from http://www.reuters.com/article/us-europe-migrants-children-idUSKBN13J01Z.

[30] Source: IOM, "Missing migrants: tracking deaths along migratory routes — Mediterranean". Available from https://missingmigrants.iom.int/mediterranean (accessed 20 July 2017).

[31] UNICEF, *Uprooted: the Growing Crisis for Refugee and Migrant Children* (New York, 2016), p. 8.

[32] Ibid., p. 9.

[33] According to statistics from the National System for Integral Family Development, most children who are in transit or in an irregular migration situation in Mexico are adolescent males with basic education.

[34] Source: the Association of International Consultants and Advisers.

[35] Source: World Vision Latin America and the Caribbean.

[36] Source: Ministry of the Interior of Mexico.

[37] Mexico is not the only country that detains migrant children. The lack of statistics makes it difficult to know the number of detained children; however, it is estimated that over 100 countries detain children for immigration purposes. See http://endchilddetention.org/the-issue/.

[38] Source: Congregation of Our Lady of Charity of the Good Shepherd, Mexico.

focus of migration policy in Mexico is the detention and return of irregular migrants, even in the case of unaccompanied children. From January 2014 to June 2015, 14,864 unaccompanied migrant children were returned to their countries of origin.[39]

38. Other sources reveal that over 85 per cent of unaccompanied migrant children from Central America who enter Mexico are eventually deported. Mexico does not comply with the 2011 reforms of the Migration Act, including the requirement to consider the best interests of the child before repatriating migrants.[40]

39. The massive number of child returnees and the lack of preparation for their reintegration is a serious issue in Central America. For instance, El Salvador reported a total of 7,545 child migrant returnees from Mexico in 2015, an increase of 4,944 from 2014; in the case of Guatemala, in the same year, there was a total of 9,613 minor returnees, with the country from which they were returned not specified.[41]

40. Some governments in Latin America have participated in special training and workshops on childhood, migration and human rights. Most migration offices have no personnel assigned exclusively to work with unaccompanied migrant children. There are almost no local authorities or institutions in the region that work specifically on this topic. Although legal frameworks to protect both migrants and children are well developed, there are no laws on unaccompanied migrant children as a specific category. Some countries, such as Nicaragua, do not have a migration policy at all, so the responses for the migrant population tend to be improvised, short-term and uncoordinated.[42]

41. In Paraguay there is the phenomenon of *criadazgo* — the migration of children, often when very young, from rural areas to the cities, organized by contractors under the guise of protection. Children are put to domestic work without any financial compensation but receive shelter, food, clothing and education. According to the Permanent Household Survey, it is estimated that 46,993 children, or 2.5 per cent of all children in the country, are in this situation.[43]

42. In Asia, the labour laws of some countries, such as India and Nepal, allow the exploitation of child workers by setting the age of adulthood at 14 years. As Caritas Bangladesh has reported, employers of children rarely consider the compensation they pay to child workers or their families as the fulfilment of duties to the children, nor do they see children as rights holders entitled to claim their rights to fair treatment and compensation.

43. India has the world's largest child population, and migration of children within states and across state boundaries is increasingly prevalent. Gender is often an issue in migration flows and human rights violations; in India, the main issue is gender discrimination and the low status of women in society, which lead to child marriage, declining female-to-male ratios and the demand for the traditional sexual division of labour. Female migrant children are increasingly used as service providers to fulfil the demand for a vast array of personalized services in the entertainment and sex industries, in domestic work and in the marriage market.[44]

44. In South Africa, the number of irregular migrants is difficult to determine; estimates range between 2.5 million and 7 million. Every week, about 2,000 irregular migrants, mainly from Mozambique and Zimbabwe, are deported; 20 per cent of these are children.[45]

45. According to the *UNICEF Eastern and Southern Africa Regional Analysis Report 2014*, the South Sudan crisis has led to the mobilization of almost half a million people. Over 70 per cent of these are children seeking asylum in neighbouring countries such as

[39] Source: Ministry of the Interior of Mexico.

[40] Source: Fray Matias de Córdova Human Rights Centre.

[41] Source: ministries of foreign affairs of El Salvador and Guatemala.

[42] Source: Nicaragua — SOS Children's Villages International.

[43] Source: Luna Nueva Group, as cited in the End Child Prostitution in Asian Tourism Paraguay replies to Advisory Committee questionnaire on unaccompanied migrant children and human rights.

[44] As the female-to-male ratio in India continues to fall, young girls are trafficked into the country and sold into marriage.

[45] Source: IOM, 2014 data.

Ethiopia, Kenya, the Sudan or Uganda. The number of unaccompanied children is estimated at 35,000.

46. Children in transit through Zimbabwe lack many social services. Once the children are outside the family environment, they are often left by themselves and may be exposed to difficult living conditions. However, reception conditions have improved in recent years, as child reception centres have been set up by the Government of Zimbabwe, IOM and UNICEF. These reception centres provide basic social services for children and allow for family reunification.

47. Inside Senegal, the phenomenon of *talibé* children is growing. These children are taken by marabouts (Qur'anic teachers) to cities for the alleged purpose of learning the Qur'an. However, in fact, the teachers exploit the children and force them to pay money. Studies show that 15,000 children without family in Dakar are victims of exploitation. In most cases, these children come from the southern regions or neighbouring countries such as Guinea-Bissau.[46]

48. Haiti has no reception structures dedicated to children. Unaccompanied children are housed with repatriated adults in transit centres operated by the Government. In general, the centres do not meet the minimum standards for hygiene, water supply or appropriate food.[47]

49. Between 1990 and 2015, the total number of child migrants in the Oceania region increased from 430,000 to 670,000, but overall migration rose faster, meaning that children now make up a slightly smaller proportion of the migrant population than they did 25 years ago.[48]

IV. Main human rights violations faced by unaccompanied migrant children and adolescents in identified areas

50. A common denominator in almost every country is the lack of information about human rights violations faced by unaccompanied migrant children.

51. Specifically, the rights and principles under the Convention on the Rights of the Child that are regularly violated in the case of unaccompanied asylum-seeking children are the following: non-discrimination, best interests of the child, development, having a name and nationality, family reunification, respect for the views of the child, health and medical care, education; special protection measures.[49]

52. Trafficking for sexual or economic exploitation, surgical removal of organs and other forms of violence are the most severe violations in the case of migrant children in Paraguay. In research published in 2015 by the Luna Nueva Group on sexual exploitation and trafficking of unaccompanied children in Paraguay, various kinds of violation were reported: sexual and labour exploitation, organ trafficking and trading girls for animals.

53. According to information dating from 2010 to 2012, human traffic flows originating from sub-Saharan Africa took place mostly within the region, with the majority of victims being children. The United Nations Office on Drugs and Crime reveals that Africa and the Middle East accounted for 62 per cent of the global total of trafficked children between 2010 and 2012, the highest proportion in the world.

54. In many countries of destination, migrant children commonly acquire a debt vis-à-vis the trafficker or exploiter, who takes away the children's documents and uses threats and violence to subdue them. Children are reported to be physically abused by both private

[46] Source: Caritas Senegal.

[47] Source: World Vision Haiti.

[48] UNICEF, *Uprooted*.

[49] International legal principles that prescribe the responsibilities of States towards unaccompanied children are derived from two main conventions: the Convention on the Rights of the Child and the Protocol relating to the Status of Refugees.

citizens and government officials, as in the case of unaccompanied Zimbabwean children in Botswana who have been introduced illegally into the country.[50]

55. Unaccompanied migrant children in the Democratic Republic of the Congo are victims of labour exploitation in jobs that prevent them from going to school and do not provide medical care.[51] According to UNICEF, there are approximately 40,000 children working in mines across the southern part of the country. Unaccompanied migrant children are sometimes arrested and held in adult prisons, as there are no juvenile prisons.[52] In Malaysia, a State that does not recognize refugees and asylum seekers since it has not acceded to the Convention relating to the Status of Refugees, children are constantly harassed by law enforcement officers, and many have been captured and placed in immigration detention camps, where there is no differentiation between minors and adults.[53]

56. In India, as in other countries in Asia, exploitation starts as soon as the children leave home. On their way to the cities, they are afraid of the police, fearing what will happen if they are caught. Agents take them to their agency and they are kept there until they are placed for work. There are also reports of physical and sexual abuse by agents and employers.[54] In Bangladesh, similar cases of abuse have also been reported.[55]

57. The General Act on the Rights of Children and Adolescents in Mexico recognizes children as rights holders and guarantees them full exercise, respect, protection and promotion of human rights. They should therefore enjoy the fundamental rights to which they are entitled in their special capacity as persons in development, which are protected and embodied in international human rights instruments such as the Convention on the Rights of the Child. Despite these provisions of domestic and international law, however, there is a large gap between human rights treaties, domestic law and day-to-day practice.

58. In Chile, even children of migrants who were born in the country were formerly registered as stateless because they were considered as the sons and daughters of aliens in transit, owing to a biased interpretation of the Constitution. Currently this term can only be applied to tourists and members of ships' crews, since the children of migrants born in Chile are now considered Chilean. However, there are still reports of children being registered as the children of aliens in transit, which denies them access to a nationality or an official identity.[56]

59. In some European States, such as Austria, children have to apply for asylum in order to receive basic services and immediate legal representation, which is provided at first by the legal adviser at the initial reception centre and subsequently by the provincial youth offices. More than twice as many children applied for asylum within the European Union and free movement zone in 2015 than in 2014; in the first half of 2016, nearly 70 per cent of children seeking asylum in the European Union and free movement zone were fleeing conflict in Afghanistan, Iraq or the Syrian Arab Republic.[57]

60. In Guatemala, little has been done to enforce the right to freedom of opinion and expression of children; there are many obstacles to the fulfilment of this right, such as authoritarian attitudes among adults.[58] Guatemala lacks an immigration policy with a human rights approach. Also the country has not developed specific policies to protect, serve or assist unaccompanied migrant children.[59]

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[50] Source: Terre des Hommes Zimbabwe.

[51] Source: Congregation of Our Lady of Charity of the Good Shepherd, Democratic Republic of the Congo.

[52] Ibid.

[53] Source: Congregation of Our Lady of Charity of the Good Shepherd, Malaysia.

[54] Source: Caritas India.

[55] As a result of its large overall population, Asia is home to the largest total number of child migrants in the world. However, a relatively low proportion of its children migrate: only 1 in 110 of Asia's children live outside their country of birth. Source: UNICEF, *Uprooted*, p. 10.

[56] Source: Congregation of Our Lady of Charity of the Good Shepherd, Chile.

[57] UNICEF, *Uprooted*, p. 11.

[58] Source: Casa Alianza Guatemala.

[59] Source: Directorate of Human Rights Research, Office of the Human Rights Advocate, Guatemala.

61. A new law in Italy envisages the consolidation of the child's right to be heard in all matters affecting him or her. In Belgium, a law adopted in 2016 ensures that every accompanied child has the right to be heard, without his or her parent(s) or legal guardians being present, to make sure the child can speak freely.

62. In Serbia, owing to the lack of proper measures by the responsible institutions, the language barrier makes it impossible for migrant children to explain their situation adequately. It also effectively renders them unable to express their own opinions and prevents the authorities from determining whether their choice to migrate was voluntary and which underlying reasons motivated them to migrate.[60]

63. In Honduras, there is a programme devoted to underage international migrants, which includes technical teams trained to care for this population. However, there is no national policy that deals with the issue of migrant children and, in the case of returnees, there is only one centre specialized in assisting Honduran migrant children returning from abroad and undocumented foreign-born children.[61]

64. In Zimbabwe, migration policies take into account protection of the rights of migrants, although the practical implementation of these policies remains a challenge.

V. Gender considerations

65. Almost no information is provided by States to explain violations of the human rights of migrant children; this includes information on violations motivated by gender.

66. Few States provide comprehensive responses, which would include provision of separate and safe accommodation for males and females, separate washing facilities and special security measures to enhance women's safety. In addition, the provision of information on gender-based violence and ways of reporting it is a major weakness in all the Member States covered in the present report. This situation increases non-reporting of abuse and allows abusers to act with impunity.[62]

67. International migration has a differential impact by gender in Mexico. For instance, a teenage girl from the Mayan Mam ethnic group stated in an interview that her strategy to avoid sexual abuse was to ask a male fellow traveller to introduce her as his girlfriend in front of others, a pretence for which he asked to be paid.[63] Furthermore, heterosexual women are not the only target of gender-based violence, since discrimination against, and persecution of lesbian, gay, bisexual, transgender and intersex children has also been recorded.[64]

68. Domestic service is a common job for female migrants in Mexico; the vast majority of them are under the age of 18 years. Those coming from Guatemala tend to be of indigenous origin. Furthermore, this vulnerable group has been subjected to labour exploitation and a lack of minimum labour rights, such as a legal contract or legal residence. In this context, it is almost impossible for female child migrants to obtain temporary or permanent residence status, because of the costs involved and the interests of their employers.[65]

69. Authorities in Guatemala have recorded that, in many cases, the danger of rape is so high that traffickers themselves, in order to prevent any possible pregnancy, force teenage girls to undergo a contraceptive injection before the journey.[66] In Central America, most of

[60] Source: Ombudsman of Serbia.

[61] Source: Honduras replies to Advisory Committee questionnaire on unaccompanied migrant children and human rights.

[62] Source: information provided by the Office of the Special Representative of the Secretary-General on Violence against Children to the Advisory Committee, 24 February 2017.

[63] Center for Gender & Refugee Studies, *Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges* (San Francisco, February 2015), p. 166.

[64] Source: General Coordinator of the Mexican Commission for Aid to Refugees.

[65] Source: Fray Matias de Cordova Human Rights Centre.

[66] Source: Guatemala — SOS Children's Villages.

the children migrating to the north are male, but recently the number of females has increased.

70. In cases of sexual exploitation, female victims are in the majority. For instance, unaccompanied migrant children in Italy who originate from Nigeria, and who are often reported to be victims of trafficking and exploitation, are mostly female.[67]

71. In Senegal, transit and/or destination areas are clearly distinguished by gender considerations. Thus, migration related to domestic work mostly involves female migrants and that related to jobs that need physical strength mostly involves males. Existing data in Senegal indicate that migration has gradually become more "feminized". Senegalese girls account for two out of three victims of trafficking.

72. In one of the most severe instances of gender-based migration, over 20,000 women and young girls (mostly aged between 12 and 25 years) are smuggled every year from Nepal to India for domestic or sex work and marriage.[68] In recent times, some girls as young as eight have been rescued from traffickers. Some girls are taken from their homes and communities to work as sex slaves in the brothels of Bangalore, Delhi, Mumbai, Kolkata or Siliguri. Around 200,000 girls from Nepal are working in Indian brothels.[69]

73. A 2016 survey in the Syrian Arab Republic, conducted by the United Nations Population Fund (UNFPA), the American University of Beirut and Sawa for Development and Aid, found that more than one third of 2,400 refugee women and girls between the ages of 20 and 24 years had been married before reaching the age of 18 years. Among refugee girls currently aged between 15 and 17 years, some 24 per cent are married. Before the current devastating conflict erupted, child marriage was significantly less common among Syrians. Some estimates show child marriage rates to be four times higher among Syrian refugees in 2016 than among Syrians before the crisis.[70]

VI. Regional and inter-State coordination

74. For the purpose of effective decision-making and assuring the legal rights of migrant children, many countries work with multi-agency coordination mechanisms, involving the authorities of the public administration, international organizations, academics and civil society organizations. There are various procedures bringing together ministers, government agencies and local institutions for the purpose of sharing information and collaborating in the management of migrant children but, in many cases, these procedures are not efficient or designed from a human rights perspective.

75. Cooperation between countries in Latin America is focused on arrest and repatriation of children to their countries of origin, which explains the invisibility of children as stakeholders. The need for protection is often absent in the analysis of situations that expose children to risk. Therefore refugee status is not an option in most cases, despite the legitimate reasons which would make children eligible. International collaboration from a perspective of prevention is rare indeed.[71]

76. At the regional level, Mexico is part of the Regional Conference on Migration. This is a multilateral regional forum on international migration for Caribbean, Central American and North American countries, dealing with issues of origin, transit, destination and return of migrants. Members of the Regional Conference formed an ad hoc group on migrant children in order to promote immediate action and effective protection of unaccompanied migrant children during all phases of the migration flow. However, despite its importance, this effort has had little real impact.

[67] Source: Caritas Senegal.
[68] Source: Caritas India.
[69] Ibid.
[70] UNFPA, "New study finds child marriage rising among most vulnerable Syrian refugees", 31 January 2017. Available from http://www.unfpa.org/news/new-study-finds-child-marriage-rising-among-most-vulnerable-syrian-refugees#sthash.bPOVVkHs.dpuf.
[71] Source: World Vision Latin America and the Caribbean.

77. In Mexico, Central America and the Caribbean, regional treaties do not include specific obligations for countries of transit or destination with respect to guarantees for children in migration processes, such as the prohibition of detention, due process and the principle of the best interests of the child.[72] Regional bodies such as the Central American Integration System and the Central American Commission of Migration Directors[73] have been crucial to the dialogue and the implementation of regional decisions on an approach to migration. However, although regional agreements on free movement across borders (the Central America-4 single Central American visa) have favoured mobility within the region, efforts are needed for the effective protection of rights and the realization in society of Central American migrant policies and actions.

78. In 2014, the Inter-American Court of Human Rights issued advisory opinion OC-21/14 on rights and guarantees of children in the context of migration and/or in need of international protection, in response to a request made in 2011 by the member States of the Southern Common Market at the time, namely Argentina, Brazil, Paraguay and Uruguay. This was the first time that a group of States had appeared before the inter-American system of human rights with a common position on an issue of concern for the protection of human rights in the region. The advisory opinion is a regional achievement that provides innovative guidelines for defining and expanding the scope of the rights and interests of migrant children.

79. In Europe, there is some institutional collaboration for the purpose of protecting unaccompanied child asylum seekers. The Dublin III regulation on family reunification of the European Union establishes collaboration on a case-by-case basis.

80. In Southern Africa, efforts have been stepped up with the implementation of joint projects cutting across three Southern African countries. For example, the Destination Unknown campaign, which is being implemented in Mozambique, South Africa and Zimbabwe, is funded by Terres des Hommes Germany. However, regional efforts and coordination need to develop significantly in order to protect unaccompanied migrant children.[74]

VII. Role of civil society

81. Many countries with serious migration issues have strengthened the relationship between government and civil society. In this regard, States recognize the work that civil society organizations carry out in order to serve, assist and guide migrant children in the fulfilment of their primary or basic needs, as well as the promotion of their human rights. On the other hand, some reports, such as the one presented by Caritas Myanmar, still perceive a lack of collaboration between government organizations, international and national NGOs and United Nations organizations.

82. Civil society plays a prominent role in uncovering the problem of insecurity, providing services and organizing institutional networks with relevant experience, as well as serving as a watchdog to ensure that States guarantee all the fundamental rights of unaccompanied migrant children.

83. Civil society intervenes in the prevention of, and response to, child abuse, neglect, violence and exploitation; it ensures that children have legal documentation and that their specific needs for durable solutions are met in their best interests. Many organizations provide education and medical assistance, psychosocial support, food, shelter and water and sanitation services. Some NGOs have even brought legal action in the case of severe violations by government agencies.

84. International NGOs and global networks such as Casa Alianza and End Child Prostitution in Asian Tourism promote training programmes for staff and experts from the

[72] Source: Fray Matias de Cordova Human Rights Centre.

[73] The Commission is an initiative of the Regional Conference on Migration.

[74] Source: Terre des Hommes Zimbabwe.

police, social work and youth welfare authorities on measures to protect child refugees fr om trafficking and sexual exploitation and on general human rights protections.

85. Civil society has significant experience in communication and raising awareness of the human rights of migrant children. Thus, civil society has tried to reach institutions, social organizations, children, the media and society in general in order to convey its view of the situation, generate structural change and influence public policies.

86. NGOs have demonstrated a far better level of coordination and cooperation on migration issues than States. As an example, Caritas works with governmental and international organizations for the protection of children. Caritas partners include national ministries, IOM, UNICEF and the United Nations Educational, Scientific and Cultural Organization. The Regional Network of Civil Organizations for Migration is a network of civil society organizations and individuals from 11 countries in Latin America that also participates in global forums.

87. In Africa, the civil society organization Terre des Hommes acts as an umbrella body for all NGOs dealing with child rights, for instance in Zimbabwe. Terre des Hommes Zimbabwe coordinates activities and advises the Government on ways of protecting the rights of migrant children. It monitors and evaluates every activity in periodic reports on the state of child rights in Zimbabwe, which are sent to the Committee on the Rights of the Child, the Human Rights Council as input to its universal periodic review process, the African Committee of Experts on the Rights and Welfare of the Child and the Southern African Development Community.[74]

88. The Federal Association for Unaccompanied Minor Refugees has been working towards the improvement of the legal situation of children who arrive in Germany without the support of a guardian. The Association runs a project to enhance active integration for young refugees in Germany. Numerous obstacles often hinder their integration. Nevertheless, many adolescents succeed in leading an active and socially committed life and fulfilling their personal goals.[75]

VIII. Good practices

89. In Italy, a new reception system was implemented in 2015 with the aim of setting up first-assistance reception centres dedicated to migrant children. Initial health screening for migrant children arriving in Italy consists of regular procedures for the identification of potential physical and/or psychosocial problems, in the very early stages, in order to ensure adequate health and educational support during the rest of the reception procedure. Customized psychosocial support is needed owing to the psychological and physical stress and trauma caused by the journey and the painful personal experiences of migrant children. The Italian parliament has recently approved a new law on the protection of unaccompanied migrant children.

90. In some countries, social workers, guardians, educators or legal representatives are assigned to the unaccompanied migrant children before the asylum procedure begins. These persons have the role of accompanying the child from the beginning of the application (first interview) throughout the entire asylum-seeking process until a final decision is issued and applied.[76] By law, children seeking asylum have access to legal information from the beginning.

91. In many countries, operators of asylum centres are responsible for providing schools and other activities to maintain and develop the skills of children. Some national education laws have safeguards to ensure equal access to education for all migrants at all levels. For

[74] Source: Terre des Hommes Zimbabwe.

[75] Source: End Child Prostitution in Asian Tourism Germany.

[76] In the United States, legal representation is provided for children only in certain cases. The State is not a party to the Convention on the Rights of the Child. Nevertheless, children have the right to be represented by legal counsel in the proceedings, and there are various programmes available to assist them.

instance, Germany is a desirable destination for migrant children because of the support they receive and the special treatment granted by the youth welfare authorities.[78]

92. In Azerbaijan, some shelters provide food three times a day, special medical assistance, housing space and classes in the local language. Additionally, representatives of the office of the Commissioner for Human Rights have the right to enter any of the housing centres without prior notice and to make recommendations that have to be implemented within a defined period. However, not every unaccompanied migrant child receives respectful and proper treatment in Azerbaijan.

93. In some countries, such as Denmark, the institution that provides housing and shelter for unaccompanied migrant children is the same one that takes care of child nationals in need. This is also the case in Spain, where migrant children are often housed in centres with Spanish children in need of protection.

94. In Lithuania, the coordination between government institutions is mainly efficient in returning migrant children, without prioritizing the will of the child and without proper consideration of the situation the migrant child may find in his or her country of origin. If an unaccompanied migrant child is not returned to his or her own country, he or she is provided with a temporary residence permit valid for no longer than one year.[79]

95. In Belgium, the Flemish parliament approved the implementation of a decree on integrated youth care that abandons the distinction between children who are asylum seekers and those who are not, giving rights and protected legal status to every migrant child, irrespective of his or her origin and personal history.

96. The German Federal Youth Protection Act applies to everyone under 18 years. It thus covers unaccompanied migrant children. The local youth welfare authorities are responsible for taking specific action to ensure the well-being of the child. However, as soon as the person reaches 18 years of age, the comprehensive protection measures are no longer applicable.[80]

97. As stated in article 37 of the Convention on the Rights of the Child, the detention of unaccompanied migrant children is a serious human rights violation, although there is one exception in some countries such as Belgium: if a child arrives at the border, and there is a doubt about his or her age, he or she can be held in detention for three working days (extendable for another three working days in exceptional cases). Once the child's minority has been proved, he or she has to be transferred to an observation and orientation centre within 24 hours.

98. Female migrant children are seldom accorded special treatment. However, specific measures, such as female interviewers in migration services who interview female victims, have been recorded in Azerbaijan.

99. In an initiative to restore the national culture and identity of Azerbaijani migrants, the Ombudsman of Azerbaijan met representatives of the Azerbaijani diaspora in Norway and Prague and donated secondary school textbooks and publications about the history and literature of Azerbaijan.[81]

100. Several European Union member States have implemented prevention and development projects in third countries, intended to address the situation of unaccompanied minors who seek to travel to the European Union. A Spanish project seeks to prevent irregular migration from Senegal; Slovenia has set up a bilateral project with Afghanistan; Belgium has sent several awareness-raising missions to countries of origin of major groups of migrants. The Netherlands has set up a bilateral project in Afghanistan.

101. Mexico has specific institutional capacity for the protection of migrant children. The National System for Integral Family Development, through the programme for the

[78] End Child Prostitution in Asian Tourism Germany.

[79] Source: Ombudsman of Lithuania.

[80] Source: End Child Prostitution in Asian Tourism Germany.

[81] Source: Ombudsman of Azerbaijan.

protection and integral development of children, coordinates and oversees the operation of the strategy for prevention and treatment of unaccompanied migrant children.

102. Some European countries are implementing a well-defined reception system, organized in highly specialized structures and special facilities. For instance, the Danish Immigration Service has two teams which specialize in interviewing unaccompanied children. Migrant children in Spain, whether accompanied or not, have a regime that requires the administration to consider the best interests of the child in all proceedings affecting him or her.

103. The youth care system is a network of organizations following the structure of the regional authorities in Belgium, although it is a private system. Through this organization, NGOs set up services themselves, but they are recognized and funded by the Government. All children, regardless of their age and the phase of the reception process, can be referred to the youth care services at any time, provided that they have "special needs" which are recognized by the authorities.

104. In El Salvador, there is an official mechanism for interaction with children in order to take their views into consideration. Additionally, the specialized staff of the National Council for Children and Adolescents deal with child returnees at the reception stage and conduct interviews to determine their views, problems and needs.[82]

105. In Italy, humanitarian visas are now being provided for vulnerable children who do not receive refugee status. These humanitarian visas are authorized under Italian law.

106. In Greece, new policy and legislative measures allow access to education for 80,000 refugee and migrant children. More than 250,000 child-friendly accommodation places have been established, and new school and educational facilities have been created to provide unaccompanied children and adolescents with education in their mother tongue.[83]

IX. Recommendations

107. **From the perspective of human rights, countries of origin, transit and destination all have the same responsibilities for the protection of unaccompanied migrant children. The human rights of children have neither nationality nor borders. Migration and violence against children are closely interrelated and are often part of a continuum, starting in the country of origin and continuing in transit and destination countries.**

108. **The Special Representative of the Secretary-General on Violence against Children has emphasized the worrying link between migration and violence, described in the present report. Therefore, States are urged to respond in a preventive and effective manner to the various forms of violence to which migrant children are exposed, especially when travelling alone. It is urgent to ensure that there is no impunity for these acts of violence that violate international treaties.**

109. **The Advisory Committee recommends that States of origin should reinforce their legislative, administrative, budgetary and political efforts to give full priority to fulfilling the rights of their children, since the lack of fulfilment of basic needs, such as food, education, training for work and special protection against all forms of violence and discrimination, is the basic reason for children's decisions to abandon their own country. The commitments made by States to guarantee the human rights of their children must be accompanied by a real and sufficient budget and, above all, by increased investment in high-quality education and support for families who are raising their children in unfavourable conditions. Local, national, regional and international protection systems should be revised and strengthened. In most cases,**

[82] Source: El Salvador replies to Advisory Committee questionnaire on unaccompanied migrant children and human rights.

[83] Source: Information provided by a representative of Greece to the Advisory Committee, 21 February 2017.

the problem is not a lack of legislation or of programmes designed to protect migrant children, but a lack of effective application.[51]

110. **The child's best interests should be the guiding principle in the design and implementation of migration policies, and funding for child migration issues should be included in the budget of the main government agencies. There is confusion about, and often misinterpretation of, the practical application of the principle of the best interests of the child; it is therefore important to provide guidance on the practical application of this principle. The responsibility of caring for unaccompanied children should be promptly entrusted to national child protection authorities, and not left to border or security officials or immigration authorities.**

111. **It is highly recommended that States of origin, transit and destination should implement a participatory national policy on child migrants. A policy based on a human rights approach should analyse the financial, economic, social, cultural and administrative aspects of child migration, particularly in relation to child trafficking and labour exploitation.**

112. **States should eliminate any gaps between the living conditions of unaccompanied migrant children and those of children for whom the welfare authorities are responsible. The former should not be subjected to discrimination merely because of their migration status.**

113. **Measures should be taken to change negative perceptions of migration flows in order to end the criminalization of migrants. In many countries, migration issues continue to be dealt with from a perspective that prioritizes border protection and security rather than the protection of human rights.**

114. **States should reconcile domestic law with international standards. Outdated practices and laws should be restructured. Many countries are not yet applying individual rights that are enshrined in the Convention on the Rights of the Child: for example, regulations governing the grounds for expulsion and the procedure for its execution may not specifically mention children. Meanwhile, legislation on child protection in many countries lacks an approach that takes into account the particular situation of unaccompanied migrant children. One practical application of the principle of the best interests of the child is to recognize that detention of a child because of a parent's immigration status is never in the child's best interests.**

115. **States should set up committees with a clear mandate that will allow partners from countries of origin, transit and destination to meet and present issues and problems of common interest, and improve coordination for more effective and efficient protection of the rights of unaccompanied migrant children.**

116. **In the processing of asylum applications for children, States are encouraged to give due consideration to child-specific forms of persecution, including child trafficking and other forms of exploitation and violence against children.**

117. **Efforts should be made at every level of the migration and reception system to use staff who have been specially trained in the treatment of children and the rights of the child. States should organize and conduct regular training of officials in the correct treatment of unaccompanied children.**

118. **States should ensure that the support centres serving as first contact points for unaccompanied children have special secure accommodation facilities used solely for unaccompanied children.**

119. **States should establish programmes in centres that give priority to the social integration of migrant children. Activities such as language-learning and integration courses, learning support, education programmes and preparation for an independent way of living should be envisaged.**

[51] Source: Congregation of Our Lady of Charity of the Good Shepherd, Mexico.

120. **States should provide information for migrant children that is adapted to their age and cultural situation, using simple and clear language; if necessary, the support of an interpreter should be available.**

121. **States should process quickly and efficiently any application for asylum of unaccompanied children; meanwhile, children should be housed in a shelter that is equipped according to international standards.**

122. **The Advisory Committee encourages Member States to continue to provide care for unaccompanied migrant children after they have reached the age of majority in order to support their transition to adulthood in the host or receiving country.**

123. **The Advisory Committee recommends that States should take into account the various categories of unaccompanied migrant children and their characteristics and situations in the design of policies and programmes to realize their human rights. However, this classification should not mean that they abandon a holistic approach to child rights.**

124. **The rights of migrant children must be effective and not only declarative. Their application must be measurable and applicable to countries of origin, transit and destination and to the return process, using specific indicators. The rights and principles determining the indicators to be employed are as follows:**

(a) **Best interests of the child;**

(b) **Recognition of the child as a rights holder;**

(c) **Equality before the law and non-discrimination;**

(d) **Life;**

(e) **Survival and development;**

(f) **Effective access to legal assistance and guarantees;**

(g) **Participation and opinion;**

(h) **Confidentiality;**

(i) **Non-detention and non-return;**

(j) **Presumption of minority;**

(k) **Principle of non-revictimization;**

(l) **Principle of progressive autonomy;**

(m) **Principle of protection and consular assistance;**

(n) **Principle of non-limitation of the attribution of rights;**

(o) **Principle of priority attention.**